



~~March 21, 2006 CPC~~
~~May 16, 2006 CPC~~
June 28, 2006 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

06SN0241
(AMENDED)

Vernon LaPrade

Matoaca Magisterial District
West line of Exter Mill Road

REQUEST: (AMENDED) Delete Proffered Condition 10 omitting requirement to submit a drainage plan and amend Proffered Condition 13 of Rezoning (Case 89SN0342) to allow the development of two (2) residential lots prior to making certain road improvements.

PROPOSED LAND USE:

Single family residential uses are proposed. The specific reason for this amendment is to permit the recordation of two (2) residential lots to accommodate an existing dwelling and a proposed dwelling.

PLANNING COMMISSION RECOMMENDATION

RECOMMENDED WITHDRAWAL OF REQUEST TO AMEND CONDITION RELATIVE TO PUBLIC WATER USE.

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITION ON PAGES 2 AND 3.

STAFF RECOMMENDATION

Recommend approval for the following reasons:

- A. Since the development is now subject to the Chesapeake Bay Act regulations, Proffered Condition 10 is no longer necessary to address water quality issues.

- B. As proffered, the improvements to Exter Mill Road will still be required after development of two (2) residential lots.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITION

- (STAFF/CPC) With the exception of two (2) lots, the developer shall be responsible for the following road improvements with the initial development of the property:
- A. Road construction plans for the reconstruction of Exter Mill Road to VDOT urban collector road standards from Trents Bridge Road to the southern property line of the subject property shall be submitted to, and approved by, the County's Transportation Department. Such reconstruction shall include, among other things, a right-turn lane on Exter Mill Road at the site road intersection.
 - B. Dedication of all right of way necessary for the reconstruction of Exter Mill Road as identified in 2.A. Such dedication shall occur prior to the recordation of any lots.
 - C. Reconstruction of Exter Mill Road to VDOT urban collector road standards, as determined by the Transportation Department, from Trent's Bridge Road to the southern property line of the subject property. Such construction shall be in accordance with road construction plans which have been approved by the Transportation Department in accordance with 2.A.
 - D. In the event the developer is unable to acquire the section of right of way necessary for the reconstruction of Exter Mill Road from the northern property line of the subject property to Trent's Bridge (off-site right of way), the developer may request, in writing, the County to acquire such right of way as a public road improvement. All costs associated with the acquisition shall be borne by the developer. In the event the County chooses not to assist the developer in the acquisition of the off-site right of way, the developer shall be relieved of the obligation to acquire the off-site right of way and to reconstruct the section of Exter Mill Road between the northern property line of the subject property and Trent's Bridge Road.

(Note: This proffered condition supersedes Proffered Condition 13 of Case 89SN0342 for the request property only.)

(Staff Note: With the approval of this request Proffered Condition 10 is deleted for the request property only.)

GENERAL INFORMATION

Location:

West line of Exter Mill Road, south of Trents Bridge Road. Tax IDs 747-622-7960, 747-623-5702 and 748-622-2252 (Sheet 39).

Existing Zoning:

R-25 with Conditional Use

Size:

23.5 acres

Existing Land Use:

Single family residential and vacant

Adjacent Zoning and Land Use:

North, South and East – A; Single family residential or vacant
West - R25 with Conditional Use - Vacant

UTILITIES

Public Water and Wastewater Systems:

The public water and wastewater systems are not currently available to serve the request site. Use of private wells and individual septic systems would be permitted to serve this property.

Private Wells and Septic Systems:

Prior to recordation of the subdivision plat, plans for use of these private systems on each lot must be submitted to the Health Department for review and approval.

ENVIRONMENTAL

The subject property drains in several directions with the majority of the property draining to the west and northwest through tributaries to Lake Chesdin. There are currently no on or off-site drainage or erosion problems and none are anticipated after development.

The Department of Environmental Engineering has no problem with the elimination or modification of Proffered Condition 10 relative to drainage and water quality since this proffer was used to address environmental issues prior to any Chesapeake Bay regulations and was a condition based on a much denser development. Since the Bay regulations are now in effect and the erosion and sediment control is required for disturbance between 2,500 and 10,000 square feet, the Department of Environmental Engineering can support the proposal.

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. The proposed zoning will not result in any net increase in impact on capital facilities.

Transportation:

In 1990, the Board of Supervisors approved a residential rezoning request (Case 89SN0342) on 123.1 acres fronting Exter Mill Road. The subject property (23.8 acres) is included in that rezoning case. As part of that zoning approval, the Board accepted a proffer (Proffered Condition 13) that requires reconstruction of Exter Mill Road from the intersection of Trents Bridge Road to the southern property line.

One (1) residential structure has been constructed on the property. The applicant is seeking to develop an additional residential structure. The applicant has proffered to provide the required improvements to Exter Mill Road with any development beyond the two (2) residential structures (Proffered Condition). Staff supports the applicant's proposed phasing of the road improvements to Exter Mill Road.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Southern and Western Area Plan which suggests the property is appropriate for residential use of 1-5 acre lots; suited to R-88 zoning.

Area Development Trends:

Properties to the north, south and east are zoned Agricultural (A) and are occupied by single family residential use, public/semi-public use or are vacant. Properties to the west were zoned Residential (R-25) with the request property and are vacant. It is anticipated that residential development will continue in the area as suggested by the Plan.

Zoning History:

On March 28, 1990, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved rezoning to Residential (R-25) with Conditional Use to permit recreational facilities on the request property and an additional approximately 100 acres to the west (Case 89SN0342). Conditions of approval included, although not exclusively, limitations on development of the recreational uses, buffers, requirements for erosions control and drainage plans, right of way dedication and construction of improvements to Exter Mill Road.

Current Proposal:

Proffered Condition 10 of the existing zoning (Case 89SN0342) required submission of drainage plans with the final subdivision review. This was a typical condition proffered prior to and in anticipation of the Chesapeake Bay Preservation Act and subsequent Ordinance standards. This condition is no longer necessary as development of the property must comply with current Ordinance standards for storm water management. Should this request be approved, Proffered Condition 10 would be deleted.

In addition, the applicant seeks to amend Proffered Condition 13 of the existing zoning (Case 89SN0342) in order to permit the recordation of two (2) single family residential lots prior to reconstructing Exter Mill Road as required by the original case. The Proffered Condition states that the road improvements will be made with initial development of the property after two (2) lots.

Site Design:

As previously noted, the purpose of this amendment is to permit the recordation of two (2) residential lots to accommodate the existing dwelling which as permitted on the request property when the property was still zoned Agricultural (A) and to allow a second dwelling proposed by the applicant.

Subsequent to the issuance of a building permit for the existing dwelling and approval of the rezoning (Case 89SN0342) of the property to Residential (R-25), the property was subdivided to create two (2) parcels totaling approximately 2.1 acres to accommodate the existing dwelling. This subdivision did not comply with the requirements of the Subdivision and Zoning Ordinances.

The applicant intends to resubdivide the property in compliance with the Zoning and Subdivision Ordinances to accommodate the existing dwelling and to permit construction of a second dwelling.

CONCLUSION

Since the development is now subject to the Chesapeake Bay Act regulations, Proffered Condition 10 is no longer necessary to address drainage and water quality issues.

As proffered, the improvements to Exter Mill Road will still be required after development of two (2) residential lots. (Proffered Condition)

Given these considerations, approval of this request is recommended.

CASE HISTORY

Applicant (5/4/06):

The applicant amended the application to withdraw the request to amend Condition 3 relative to public water use and submitted revised proffered conditions.

Planning Commission Meeting (5/16/06):

The applicant accepted the recommendation. There was no opposition present.

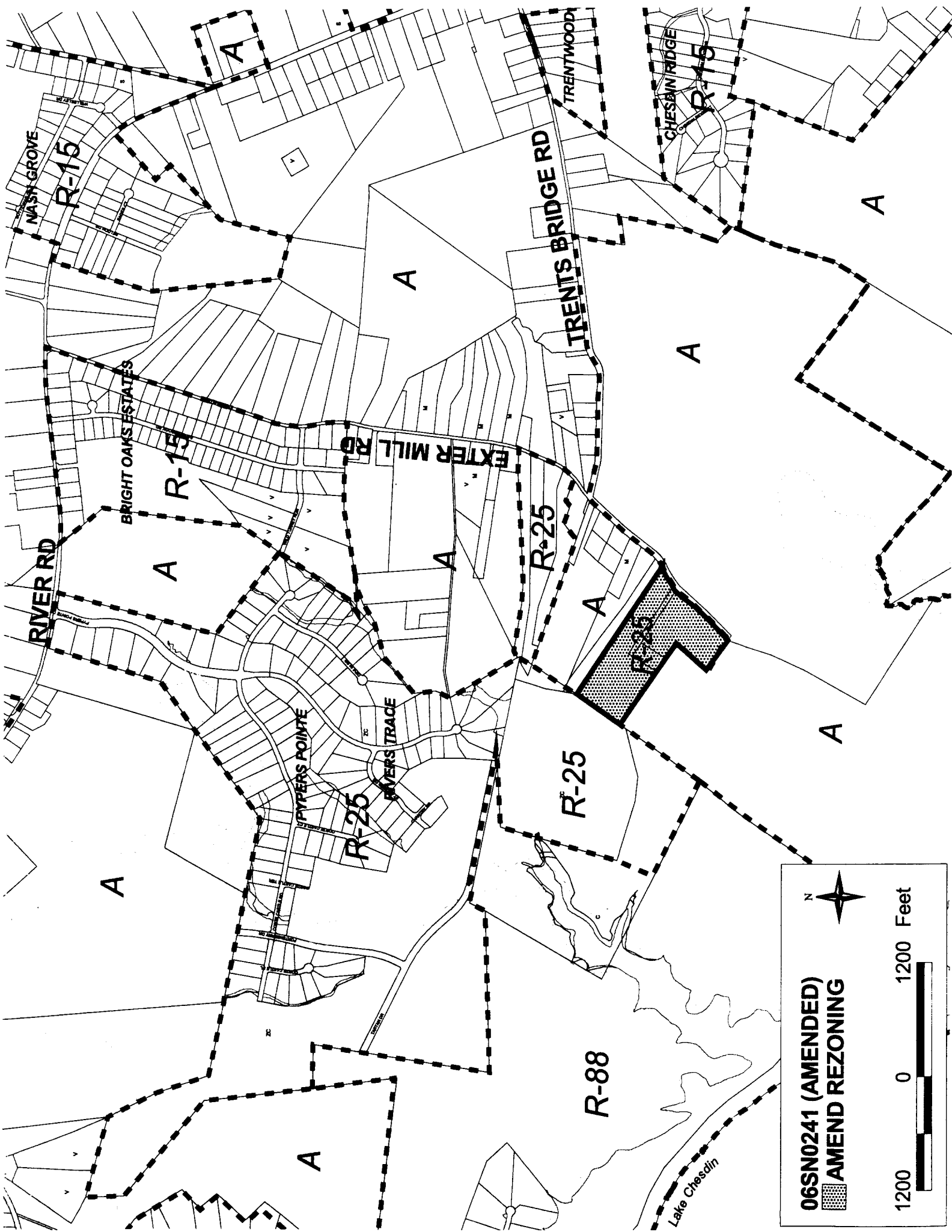
On motion of Mr. Bass, seconded by Mr. Gecker, the Commission acknowledged withdrawal of the request to amend the Condition relative to public water use.

AYES: Unanimous.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission recommended approval and acceptance of the Proffered Condition on pages 2 and 3.

AYES: Unanimous.

The Board of Supervisors, on Wednesday, June 28, 2006, beginning at 7:00 p.m., will take under consideration this request.



06SN0241 (AMENDED)
AMEND REZONING

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